

Article - Criminal Law

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§5–805.

(a) In this section, “controlled premises” means:

(1) a place where a registrant or person exempted from registration requirements under this title is required to keep records; or

(2) a place, including a factory, warehouse, establishment, or conveyance, where a registrant or person exempted from registration requirements under this title may possess, manufacture, compound, process, sell, deliver, or dispose of a controlled dangerous substance.

(b) The Department may make administrative inspections of controlled premises in accordance with this section and designate those who may seize property under this section.

(c) An officer or employee designated by the Department may enter controlled premises to conduct an administrative inspection:

(1) when authorized by an administrative inspection warrant issued under § 5-804 of this subtitle; and

(2) on presenting the warrant and appropriate credentials to the owner, operator, or agent in charge.

(d) When authorized by an administrative inspection warrant, an officer or employee designated by the Department may:

(1) inspect and copy records that must be kept under this title;

(2) inspect, within reasonable limits and in a reasonable manner:

(i) controlled premises and all pertinent equipment, finished and unfinished material, containers, and labeling in the controlled premises;

(ii) except as provided in subsection (e) of this section, all other things in the controlled premises, including records, files, papers, processes, controls, and facilities, bearing on violation of this title; and

(3) inventory stock and obtain samples of a controlled dangerous substance in the controlled premises.

(e) Without a warrant, the Department may inspect books and records in accordance with this title and enter and conduct administrative inspections, including seizures of property:

(1) with the consent of the owner, operator, or agent in charge of the controlled premises;

(2) in a situation that presents imminent danger to health or safety;

(3) in a situation that involves inspection of a conveyance where there is reasonable cause to believe that the mobility of the conveyance makes it impracticable to obtain a warrant;

(4) in any other exceptional or emergency situation in which time or opportunity to apply for a warrant is lacking; and

(5) in all other situations where a warrant is not legally required.

(f) Unless the owner, operator, or agent in charge of the controlled premises consents in writing, an inspection authorized under this section may not extend to:

(1) financial data;

(2) sales data other than shipment data; or

(3) pricing data.

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